

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

AUNDRA DEBREL BOYKINS,)

Plaintiff,)

V.

JEFFERSON DUNN, *et al.*,

Defendants.)

Case No. 4:19-CV-1934-ACA

UNOPPOSED

**THE ADOC OFFICIALS’
MOTION TO CLARIFY FEBRUARY 10, 2023 ORDER**

Defendants Commissioner John Hamm (“Commissioner Hamm”), Warden Guy Noe (“Warden Noe”), and Dewayne Estes (“Estes” and, together with Commissioner Hamm and Warden Noe, the “Correctional Officials”) and Defendant Marc Walker (“Walker” and together with the Correctional Officials, the “ADOC Parties”) respectfully submit this Motion to Clarify the Court’s February 10, 2023, Order (Doc. 129 (the “February 10 Order”). In support of this Motion, the ADOC Officials state as follows:

1. On February 9, 2023, the ADOC Officials filed their Motions for Leave to File Under Seal, seeking leave to file their memorandums of law and portions of their evidentiary submissions in support of their forthcoming motions for summary judgment under seal. (Doc. Nos. 125 and 126 (the “Motions for Leave”)).

2. The February 10 Order denied the Motions for Leave without prejudice. (Doc. 129, 2). The Court directed the ADOC Officials to provide the Court with additional information regarding the documents the ADOC Officials seek to file under seal by 5:00 p.m. on February 13, 2023, and set a hearing on “any renewed motion to seal” for February 15, 2023. (Id., 3).

3. Under the Court’s Scheduling Order, the ADOC Officials must file their motions for summary judgment and evidentiary submissions in support of their motions by February 13, 2023. (Doc. 107, 3).

4. The Court’s Scheduling Order provides the ADOC Officials one (1) business day after the filing of the motions for summary judgment and evidentiary submissions to file their memorandums in support of the motion for summary judgment, containing citations to the CM/ECF document and page numbers for the evidentiary submissions. (Doc. 107, 3).

5. The February 10 Order extended the deadline for filing memoranda in support of motions for summary judgment to February 20, 2023. (Doc. 129, 2).

6. The February 10 Order did not expressly extend the deadline for filing evidentiary submissions in support of motions for summary judgment. (See Doc. 129). However, the ADOC Officials’ evidentiary submissions contains materials that the ADOC Officials continue to believe in good faith qualify for protection under the Stipulated Protective Order (Doc. 77). The ADOC Officials intend to

comply with the February 10 Order and file renewed motions for leave to file those portions of the evidentiary submissions under seal.

7. The ADOC Officials cannot file their evidentiary submissions until the Court rules on their anticipated renewed motions for leave to file under seal. Therefore, the ADOC Officials respectfully request that this Court clarify the February 10 Order to confirm that it extends the deadline for filing of evidentiary submissions until after the Court resolves the ADOC Officials' anticipated renewed motions for leave to file under seal.

8. The ADOC Officials intend to file their motions for summary judgment as scheduled on February 13, 2023, as the motions for summary judgment do not contain any Confidential or Highly Confidential information under the Stipulated Protective Order (doc. 77).

9. Counsel for the ADOC Officials conferred with counsel for Plaintiff, and Plaintiff does not oppose this motion

WHEREFORE, PREMISES CONSIDERED, the ADOC Officials respectfully ask this Court to clarify its February 10 Order to confirm that the ADOC Officials' deadline for filing their evidentiary submissions in support of their motions for summary judgment is extended until the Court resolves the ADOC Officials' anticipated renewed motions for leave to file under seal.

Dated: February 13, 2023

/s/William R. Lunsford

*One of the Attorneys for the Correctional
Officials*

William R. Lunsford
Matthew B. Reeves
Ellie B. Putman
M. Landon Whatley
MAYNARD, COOPER & GALE, PC
655 Gallatin Street
Huntsville, AL 35801
Telephone: (256) 551-0171
Facsimile: (256) 512-0119
blunsford@maynardcooper.com
mreeves@maynardcooper.com
eputman@maynardcooper.com
lwhatley@maynardcooper.com

/s/ Benjamin Albritton

Attorneys for Marc Walker

Benjamin Albritton
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, AL 36130
Telephone: (334) 353-4484
Facsimile: (334) 353-8400
Ben.albritton@alabamaag.gov

Attorney for Defendant Marc Walker

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all attorneys of record in this matter, including without limitation the following, by e-mail and/or by U.S. Mail on this 13th day of February, 2023:

J.S. "Chris" Christie, Jr. (ASB-3162-H07J)

Robert T. Blakesleay (ASB-5910-B00U)

SIROTE DENTONS, P.C.

P.O. Box 55727

Birmingham, AL 35255

Telephone: (205) 930-5100

Facsimile: (205) 212-2834

chris.christie@dentons.com

tblakesleay@sirote.com

Hyeongsoon Kim, *pro hac vice*

**AKIN GUMP STRAUSS HAUER &
FELD LLP**

4 Park Plaza, Suite 1900

Irvine, CA 92614

Telephone: (949) 885-4100

Facsimile: (949) 885-4101

kimh@akingump.com

Molly E. Whitman, *pro hac vice*

Brett M. Manisco, *pro hac vice*

Jessica Ro, *pro hac vice*

**AKIN GUMP STRAUSS HAUER &
FELD LLP**

1999 Avenue of the Stars

Suite 600

Los Angeles, CA 90067

Telephone: (310) 728-3342

Facsimile: (310) 229-1001

mwhitman@akingump.com

bmanisco@akingump.com
jro@akingump.com

Jennifer S. Garrett, *pro hac vice*
**AKIN GUMP STRAUSS HAUER &
FELD LLP**
One Bryant Park
New York, NY 10036
Telephone: (212) 872-1065
jgarrett@akingump.com

Attorneys for Plaintiff

/s/ William R. Lunsford

Of Counsel